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WASHINGTON, D.C. 20231
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MAILED

Paper No. 21

SEP 26 2003

Technology Center 2100

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In re Application of: Hutton et al.)
Application No. 09/345,222) DECISION ON PETITION TO
Attorney Docket No. N0003/7000D3) WITHDRAWAL HOLDING OF
Filed: June 30, 1999) ABANDONMENT UNDER 37 CFR §
For: POINT-TO-POINT INTERNET) 1.181(a)
PROTOCOL)

This is a decision on the request for reconsideration filed August 4, 2003 to withdraw the holding of abandonment (Paper No. 17) mailed on May 5, 2003 based upon a failure to receive a Notice of Allowance. The original petition was dismissed on July 25, 2003.

The original petition included statements from Jong H. Lee that the Notice of Allowance was not received; and that a search of the file jacket and docket records indicated the Notice of Allowance was not received. The practitioner has attached a copy of the file jacket data sheet, a copy of a log showing incoming mails for the relevant period and docket sheets showing due date entries for March 30, 2003; all of which are evidence the Notice of Allowance was not received. The request for reconsideration contains "docket sheets showing all docketed due-date entries for March 31, 2003".

Petitioners' submission in the original petition and in the request for reconsideration meet the burden of proof set forth in MPEP § 711.03(c) and are sufficient to establish a showing of nonreceipt by applicants' representative of the original Notice of Allowance.

The petition is **GRANTED**. The Notice of Abandonment is withdrawn.

The application file will be forwarded to the Technology Center support staff. The Notice of Allowability will be remailed with the three-month non-extendable period for reply restarted to run from the date of the remailing.

Josie A. Ballato
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